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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.39 OF 2007

-

3rd January, 2007

Between:

M/s Komitla Bus Service, Nellore, represented

By its Managing Partner – K. Satyanarayana Reddy. ..Petitioner

And

State Transport Appellate Tribunal,

Andhra Pradesh, Hyderabad and others. ..Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.39 OF 2007

ORAL ORDER:

This Writ Petition is filed questioning the order dated 30.10.2006 in A.P.No.51 of 2003 on the file of the Court of the State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad.

I have heard the learned counsel for both the parties and perused the material on record.

Under the impugned order, the appeal preferred by one Mohd. Naseem against the

order of the rejection passed by Regional Transport Authority, Nellore, for grant of pacca stage carriage permit on the Town Service Route, Vedayapalem to Narukur Centre, was dismissed.

The petitioner herein claims that permit in the name of Mohd. Naseem was transferred in favour of the petitioner on 21.05.2005 and to that effect, proceedings were also issued by the second respondent. It is stated that the petitioner has been operating his vehicle under the permit in question from the date of transfer. However, no notice was issued to the petitioner before deciding the appeal under the impugned order. Thus, it is contended that the impugned order dated 30.10.2006 which was passed without hearing the petitioner is arbitrary, illegal and violative of the principles of natural justice.

A perusal of the impuged order itself shows that the notice was issued to Mohd. Naseem in whose favour the permit was originally issued and since he was called absent, the first respondent proceeded on merits and dismissed the appeal. Thus, it is apparent that there was no notice to the petitioner, who is the holder of the permit, as on today. The fact that the permit in question was transferred in favour of the petitioner and the same is valid upto 31.05.2009 has not been disputed by the learned Government Pleader.

In the circumstances, the impugned order which was passed without notice to the petitioner is liable to be set aside on that ground alone.

Accordingly, without going into the merits of the case, the impugned order is set aside and the writ petition is disposed of with a direction to the Tribunal to pass appropriate orders afresh in accordance with law after giving notice to the writ petitioner. Such exercise shall be completed as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order. No costs.

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(G.ROHINI,J)

3rd January, 2007

Note: Issue copy in three days

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